

## No. 5:24-CV-57-BO

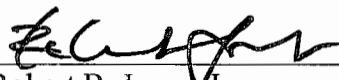
Defendants.

Case 5:24-cv-00057-BO-RJ Document 40 Filed 05/17/24 Page 1 of 2

dispositive motions are resolved. *See Yongo v. Nationwide Affinity Ins. Co. of Am.*, No. 5:07-CV-94-D, 2008 WL 516744, at \*2 (E.D.N.C. Feb. 25, 2008). In certain cases, a stay of discovery may be appropriate to prevent a waste of time and resources by the parties and to make efficient use of judicial resources. *United States v. A.T. Massey Coal Co.*, No. 2:07-0299, 2007 WL 3051449, at \*2 (S.D. W. Va. Oct. 18, 2007). “Factors favoring issuance of a stay include the potential for the dispositive motion to terminate all the claims in the case or all the claims against particular defendants, strong support for the dispositive motion on the merits, and irrelevancy of the discovery at issue to the dispositive motion.” *Yongo*, 2008 WL 516744, at \*2 (quoting *Tilley v. United States*, 270 F. Supp. 2d 731, 735 (M.D.N.C. 2003)).

Here, the balance of factors weighs against staying discovery. First, the motion is unlikely to terminate all claims. Defendants acknowledge that even if the court dismisses the claims for lack of subject matter jurisdiction, Plaintiffs may elect to refile the matter in state court. Next, the motion for judgment on the pleadings is vigorously contested by Plaintiffs. The court cannot find that there is strong support for the dispositive motion on the merits, and staying discovery at this time would likely cause substantial delay given that even if the motion is allowed, Plaintiffs would likely seek to amend the complaint. Allowing discovery to proceed at this time poses minimal risk of prejudice to Defendants, while the passage of time may impede Plaintiffs’ ability to acquire evidence. Accordingly, the motion to stay is denied, and parties should proceed with discovery in accordance with the Scheduling Order.

SO ORDERED, the 16 day of May, 2024.

  
Robert B. Jones, Jr.  
United States Magistrate Judge